

**WOMBLE  
CARLYLE  
SANDRIDGE  
& RICE**  
  
A PROFESSIONAL LIMITED  
LIABILITY COMPANY

One Atlantic Center  
1201 West Peachtree Street, N.E.  
Suite 3500  
Atlanta, GA 30309

Telephone: (404) 872-7000  
Fax: (404) 888-7490

RECEIVED  
CENTRAL FAX CENTER

APR 12 2004

OFFICIAL FACSIMILE

GEORGIA  
NORTH CAROLINA  
SOUTH CAROLINA  
VIRGINIA  
WASHINGTON, D.C.

Please call us at the following number if the message you receive is incomplete or not legible: (404) 872-7000.

<b>TO</b>	<b>Examiner Brian R. Gordon</b>	<b>Monday, April 12, 2004 3:09:52 PM</b>
	<small>Name</small>	<small>Date</small>
	<b>USPTO, Art Unit 1743</b>	<b>1 (703) 872-9306</b>
	<small>Company/Firm</small>	<small>Fax #</small>
<b>FROM</b>	<b>Diana Ogles</b>	<b>(404) 870-8177</b>
	<small>Name</small>	<small>Direct Fax #</small>
	<b>Number of Pages (Including Cover) 04</b>	<b>(404)888-7349</b>
		<small>Direct Dial #</small>

**MESSAGE:**

**CONFIDENTIAL AND PRIVILEGED**

*The information contained in this facsimile is privileged and confidential information intended for the sole use of the addressee. If the reader of this facsimile is not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this FAX in error, please immediately notify the person listed above, and return the original message by mail to the sender at the address listed above.*

RECEIVED  
CENTRAL FAX CENTER

APR 12 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICIAL

In re application of:	)	Examiner: <b>Brian R. Gordon</b>
<b>Vessey</b>	)	Group Art Unit: <b>1743</b>
Serial No: <b>09/955,409</b>	)	Attorney Docket No.: <b>T081 1010</b>
Filed: <b>September 12, 2001</b>	)	
For: <b>System and Method for Liquid</b>	)	
<b>Handling Parameters</b>	)	
<b>Optimization</b>	)	

Mail Stop Non-Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Action mailed March 10, 2004, Applicants provide the following:

The Examiner has determined that the claims in the present application are drawn to two distinct inventions and has requested restriction to one of the inventions as follows:

- I. Claims 1 -- 13 and 20 -- 32, drawn to a computer readable medium containing a program product for optimizing liquid-handling parameters, classified in class 436, subclass 55; and
- II. Claims 14 -- 19, drawn to a system for optimizing parameters for liquid handling, classified in class 422, subclass 67.

In response to the restriction requirement, Applicants hereby elect the invention of Group I with traverse. Applicants request reconsideration and withdrawal of the restriction requirement

on the grounds that the restricted claims are closely related and should be considered in the same application.

The Examiner stated, in paragraph 2 of the Detailed Action, that the apparatus claimed in claims 14-19 "may be used to practice another process such as simply delivering chemicals to a location for a specific purpose such as analysis, mixing, or to conduct reactions or develop products." As recited in the last element of claim 14, the system includes "a liquid-handling parameters optimization processing logic ... cooperative with the pipetting control processing logic that automatically optimizes liquid-handling parameters." The term "liquid class" is defined in the application as "parameters for pipetting control software to define pipetting of a specific liquid" (page 5, para. [0016]). Further, as disclosed on page 11, at para. [0036], [0037], [0038], each type of liquid requires a corresponding liquid class; the pipetting control software comes with a default set of classes; each liquid class has more than thirty parameters that can be altered; the liquid class factors can be optimized to perfect the accuracy of the pipetting; and the first step in the inventive process of creating and/or optimizing a liquid class is the determination of which liquid class parameters are important to pipetting precision for the liquid under study. Therefore, there is a close relation between the method/program product claims and the system claims that optimize liquid-handling parameters for a liquid class.

In view of the above, Applicants respectfully request that the Examiner withdraw his restriction requirement for the pending claims.

Respectfully submitted,

4/12/04  
Date

John J. Timar  
John J. Timar  
Registration No. 32,497

WOMBLE CARLYLE SANDRIDGE & RICE, PLLC  
P. O. Box 7037  
Atlanta, Georgia 30357-0037  
(404) 888-7412 (Telephone)  
(404) 870-2405 (Facsimile)

**Certificate of Facsimile Transmission**

I hereby certify that the following papers are being facsimile transmitted to the U.S. Patent and Trademark Office, telephone number (703) 872-9306, on April 12, 2004

John J. Timar